From: Joe Weber
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 4:40pm
Subject: Microsoft Settlement

I am writing to express my strong disapproval with the proposed Microsoft settlement. The proposed settlement fails to protect consumers and competitors, and fails to punish a convicted monopolist. Basic economics teaches that monopolies extract capital from consumers which otherwise would be available to them in a free market. This money needs to be returned to the public, even if through fines paid to the FTC. The proposed settlement does not do this.

Of the many problems with the settlement, I can comment on the problems with Definition J of Microsoft Middleware. By extending its operating system to include functions which are clearly in the application domain, Microsoft in the past killed competition by using their monopoly to obsolete legitimate applications from third parties. This allows them to remove a competitor in their application business without having to compete in the open market. Definition J is contrary to all established definitions of middleware which would protect consumers. Instead it allows multiple 'loop holes' for Microsoft to use to continue their illegal and anti-competitive behavior. Middleware is a set of API's that allow a clear distinction between application and operating system. Simply changing version numbers, or sending code as an update, does not change this definition. Yet Definition J allows both obvious and blatant loopholes to allow a non-standard, and favorable to Microsoft, definiti!
on of middleware. This must be changed if their is to be any attempt at a fair settlement.

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